

A CERTIFIED TRUE COPY

ATTEST

By Tanisha Spinner on Feb 09, 2009

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

Jan 22, 2009

FILED
CLERK'S OFFICE

IN RE: CONAGRA PEANUT BUTTER
PRODUCTS LIABILITY LITIGATION

MDL No. 1845

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

(SEE ATTACHED SCHEDULE)

FEB - 9 2009

CONDITIONAL TRANSFER ORDER (CTO-32)

JAMES N. HATTEN, CLERK
By: *[Signature]* Deputy Clerk

On July 17, 2007, the Panel transferred 17 civil actions to the United States District Court for the Northern District of Georgia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 495 F.Supp.2d 1381 (J.P.M.L. 2007). Since that time, 244 additional actions have been transferred to the Northern District of Georgia. With the consent of that court, all such actions have been assigned to the Honorable Thomas W. Thrash, Jr.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Northern District of Georgia and assigned to Judge Thrash.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of Georgia for the reasons stated in the order of July 17, 2007, and, with the consent of that court, assigned to the Honorable Thomas W. Thrash, Jr.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Georgia. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Feb 09, 2009

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

[Signature]
Jeffery N. Lüthi
Clerk of the Panel

ATTEST: A TRUE COPY
CERTIFIED THIS

FEB 10 2009

James N. Hatten, Clerk
By: *[Signature]* Deputy Clerk

**IN RE: CONAGRA PEANUT BUTTER
PRODUCTS LIABILITY LITIGATION**

MDL No. 1845

SCHEDULE CTO-32 - TAG-ALONG ACTIONS

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ARKANSAS EASTERN	
ARE 4 08-4249	Janice Bayliss, et al. v. ConAgra Foods, Inc.
IOWA SOUTHERN	
IAS 4 09-9	Virginia Enloe v. ConAgra Foods, Inc.
ILLINOIS NORTHERN	
ILN 1 08-7321	Ronald Ziven v. ConAgra Foods, Inc.
ILN 1 09-71	Nora Norton v. ConAgra Foods, Inc., et al.
PENNSYLVANIA WESTERN	
PAW 1 08-332	B.S., et al. v. ConAgra Foods, Inc.
TEXAS SOUTHERN	
TXS 4 08-3723	Avery Ayers, et al. v. ConAgra Foods, Inc. Opposed 2/6/09

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
J. Frederick Motz
United States District Court
District of Maryland

Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Kathryn H. Vratil
United States District Court
District of Kansas

David R. Hansen
United States Court of Appeals
Eighth Circuit

W. Royal Furgeson, Jr.
United States District Court
Western District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

DIRECT REPLY TO:

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February 9, 2009

James N. Hatten, Clerk
2217 Richard B. Russell Fed. Bldg.
& U.S. Courthouse
75 Spring Street, S.W.
Atlanta, GA 30303-3309

Re: MDL No. 1845 -- IN RE: ConAgra Peanut Butter Products Liability Litigation

(See Attached CTO-32)

Dear Mr. Hatten:

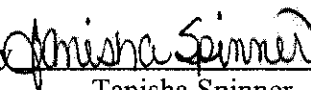
Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on January 22, 2009. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel, judges and clerks are attached to this letter.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Tanisha Spinner
Deputy Clerk

Attachments (Conditional Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Thomas W. Thrash, Jr.

JPML Form 36A

**IN RE: CONAGRA PEANUT BUTTER
PRODUCTS LIABILITY LITIGATION**

MDL No. 1845

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**IN RE: CONAGRA PEANUT BUTTER
PRODUCTS LIABILITY LITIGATION**

MDL No. 1845

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Houston, TX 77002

**IN RE: CONAGRA PEANUT BUTTER
PRODUCTS LIABILITY LITIGATION**

MDL No. 1845

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~~Michael N. Milby, Clerk
United States District Court
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